

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JUAN CARLOS CRUZ,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO.: 2:05-cv-877-F
)	
SCOTT MIDDLEBROOKS,)	
WARDEN)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME

Comes now the Respondent, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and moves the Court for a 14-day extension of time within which to file an answer or other response in the above-styled case. In support of this motion, Respondent shows unto the Court the following:

1. Respondent received Petitioner's Writ of Habeas Corpus petition on or about October 12, 2005. The current deadline for filing an answer or other response is November 1, 2005.
2. Respondent requires the assistance of Terry Collins, Senior Counsel for the Federal Bureau of Prisons, in preparing said answer or other response.
3. Terry Collins has requested certain records which are necessary in the compilation of an answer or other response.

4. Terry Collins has notified our office that these records likely will not be received in time to compile a complete answer or other response by the current November 1, 2005 deadline.

Therefore, Respondent respectfully requests a 14-day extension of time, to and including November 15, 2005 in which to prepare and file an answer or other response.

Dated this 28th day of October, 2005.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

Juan Carlos Cruz (pro se)
#40595-004
Federal Prison Camp
Birmingham-C
Maxwell Air Force Base
Montgomery, AL 36112

s/R. Randolph Neeley
Assistant United States Attorney